

Message Text

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ORIGIN AF-06

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

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JUSE-00 SEC-01 AID-05 EB-07 CIEP-01 TRSE-00 STR-04

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DRAFTED BY AF/W:TWMSMITH/MPH

APPROVED BY AF/W:TWMSMITH

L/AF:FWILLIS

AF:WESCHAUFLE

S/S:O:LRMACFARLANE

JUSTICE: JKEENEY

----- 129776

R 130417Z MAR 76

FM SECSTATE WASHDC

TO AMEMBASSY LAGOS

C O N F I D E N T I A L STATE 061349

E.O. 11652: GDS

TAGS: PFOR, NI, US, BDIS, EINV

SUBJECT: NIGERIAN AMBASSADOR DISCUSSES LOCKHEED
INVESTIGATION WITH DEPARTMENT OF JUSTICE

REF: A) LAGOS 2461, B) STATE 54841

SUMMARY: AT MEETING WITH DEPARTMENT OF JUSTICE OFFICIALS
MARCH 12 AMBASSADOR SANU WAS GIVEN DRAFT OF AGREEMENT
BETWEEN JUSTICE AND NIGERIAN LAW ENFORCEMENT AGENCY PRO-
VIDING FOR CONFIDENTIAL EXCHANGE OF INFORMATION REGARDING
NIGERIAN INVOLVEMENT WITH LOCKHEED. SANU WILL COMMENT ON
DRAFT WHEN HE RETURNS TO WASHINGTON END MARCH. END SUMMARY.

1. ON MARCH 11, NIGERIAN EMBASSY REQUESTED APPOINTMENT ON
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FOLLOWING DAY FOR AMBASSADOR SANU TO SEE DEPUTY SECRETARY

INGERSOLL REGARDING LOCKHEED BEFORE SANU RETURNED TO NIGERIA EVENING MARCH 12. WE ARRANGED TWO APPOINTMENTS ON MARCH 12 FOR AMBASSADOR SANU AND DCM OBE, WHICH WERE ALSO ATTENDED BY L/AF (WILLIS) AND AF/W DIRECTOR. FIRST APPOINTMENT WAS WITH JOHN KEENEY, DEPUTY ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF JUSTICE AND BRUNO RISTAU, CHIEF, FOREIGN LITIGATION, CIVIL DIVISION, JUSTICE DEPARTMENT. THE SECOND APPOINTMENT WAS WITH DEPUTY SECRETARY INGERSOLL.

2. AT MEETING IN JUSTICE, SANU BEGAN BY SAYING THAT EMBASSY HAD TRIED TO SECURE THE DETAILS OF POSSIBLE NIGERIAN INVOLVEMENT FROM LOCKHEED BUT WITHOUT SUCCESS. WHEN NIGERIANS RECEIVED INGERSOLL'S STATEMENT (REF B), HE RECEIVED INSTRUCTIONS TO SEEK AN APPOINTMENT WITH INGERSOLL. HE WAS PLEASED TO HAVE PRELIMINARY APPOINTMENT WITH JUSTICE.

3. IN REPLY KEENEY AND RISTAU SAID THE DEPARTMENT OF JUSTICE IS THE DESIGNATED CONDUIT FOR REQUESTS FOR INFORMATION REGARDING LOCKHEED. THIS INFORMATION COULD COME FROM THREE SOURCES AT PRESENT. THE SEC IS CONDUCTING AN INVESTIGATION TO DETERMINE WHETHER OR NOT SECURITIES LEGISLATION HAS BEEN INFRINGED. THE SEC HAS TWO TYPES OF INFORMATION, THE FIRST RESULTING FROM ITS OWN INVESTIGATION, THE SECOND FROM MATERIALS SUBPOENAED FROM LOCKHEED. THE LATTER ARE PROTECTED BY A COURT ORDER FORBIDDING DISCLOSURE OF SUBPOENAED MATERIAL PENDING COMPLETION OF THE SEC CASE. THE SECOND SOURCE OF MATERIAL REGARDING THE LOCKHEED CASE IS THE CHURCH SUBCOMMITTEE, THE THIRD SOURCE IS THE DEPARTMENT OF JUSTICE'S OWN INVESTIGATION WHICH BEGAN IN THE FIRST WEEK OF MARCH. THE DEPARTMENT OF JUSTICE EXPECTS IN DUE COURSE TO RECEIVE ALL OF THE MATERIAL COLLECTED BY THE SEC AND SOME OR ALL OF THE MATERIAL COLLECTED BY THE CHURCH SUBCOMMITTEE. WHEN THE DEPARTMENT OF JUSTICE RECEIVES THE SEC MATERIAL IT WILL PROBABLY SEEK AN AMENDMENT TO THE COURT ORDER PROTECTING THE SUBPOENAED MATERIAL IN ORDER TO PERMIT THE DEPARTMENT OF JUSTICE TO MAKE AVAILABLE RELEVANT DOCUMENTS TO FOREIGN GOVERNMENTS REQUESTING SUCH MATERIAL.

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4. WITH THIS IN MIND, THE DEPARTMENT OF JUSTICE HAS DRAWN UP A DRAFT SET OF PROCEDURES TO GOVERN THE DEPARTMENT AND THE EQUIVALENT AGENCY OF REQUESTING GOVERNMENTS WHICH PROVIDES FOR A RECIPROCAL EXCHANGE OF INFORMATION REGARDING THE INVOLVEMENT OF CITIZENS OF THE REQUESTING STATE. THE DEPARTMENT OF JUSTICE REPRESENTATIVES GAVE AMBASSADOR SANU A COPY OF THE DRAFT (SEPTTEL) AND EMPHA-

SIZED FIRST, THAT IT IS STILL A DRAFT, SECOND THAT IT SHOULD BE KEPT CONFIDENTIAL FOR THE TIME BEING, THIRD THAT THE DRAFT SHOULD BE VIEWED ONLY AS AGREED PROCEDURES BETWEEN THE LAW ENFORCEMENT AGENCIES OF THE UNITED STATES AND THE REQUESTING GOVERNMENT, AND FOURTH THAT IT WAS LIMITED TO THE LOCKHEED CASE.

5. AMBASSADOR SANU THANKED THE JUSTICE REPRESENTATIVES FOR THE DRAFT AND SAID THAT WHILE HE COULD NOT COMMENT ON IT AT THAT TIME, HE WOULD TAKE IT BACK TO LAGOS WITH HIM AND BE IN TOUCH WITH THE DEPARTMENT OF JUSTICE ON HIS RETURN TOWARD THE END OF MARCH. IN RESPONSE TO HIS QUESTION, THE JUSTICE REPRESENTATIVES SAID THAT THE NIGERIAN EMBASSY COULD EXECUTE THE AGREEMENT ON BEHALF OF THE APPROPRIATE NIGERIAN AUTHORITIES IN LAGOS AND THAT THE MATERIAL PROVIDED UNDER THE AGREEMENT COULD BE TRANSMITTED THROUGH NORMAL DIPLOMATIC CHANNELS. WITH REGARD TO POSSIBLE PUBLICITY, THE DEPARTMENT OF JUSTICE REPRESENTATIVES SAID THAT THE EXISTENCE OF SUCH AN AGREEMENT WITH REQUESTING GOVERNMENTS WOULD BECOME KNOWN WHEN A WAIVER TO THE PROTECTIVE ORDER IS REQUESTED FROM THE COURT. AS TO TIMING, THE JUSTICE REPRESENTATIVES SAID THEY COULD NOT BE CERTAIN WHEN THEY WOULD RECEIVE EITHER THE SEC OR THE CHURCH COMMITTEE MATERIAL BUT THEY CLEARLY IMPLIED THAT THEY EXPECTED IT WITHIN THE NEXT SIX TO EIGHT WEEKS. IN CONCLUSION THE JUSTICE REPS EMPHASIZED TWO POINTS. FIRST, THAT THEY WOULD BE UNWILLING TO SHARE INFORMATION WITHOUT A CLEAR WRITTEN STATEMENT OF THE FORMAL WORKING ARRANGEMENTS BETWEEN THE TWO LAW ENFORCEMENT AGENCIES AND SECOND THAT THE EXCHANGE OF INFORMATION WAS SOLELY FOR INVESTIGATIVE PURPOSES. THE INFORMATION MUST BE KEPT CONFIDENTIAL DURING THE INVESTIGATIVE STAGES IN ORDER TO PROTECT INNOCENT PARTIES AND COULD BE RE-CONFIDENTIAL

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LEASED ONLY WHEN REQUIRED IN THE TAKING OF FORMAL LAW ENFORCEMENT ACTION. AMBASSADOR SANU THANKED THE JUSTICE REPRESENTATIVES AND SAID HE WOULD BE IN TOUCH ON HIS RETURN.

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